

Senate File 312 - Introduced

SENATE FILE _____
BY SENG

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for state and local planning for the rescue of
2 support animals in times of public disorder or disaster.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1560SS 82
5 da/je/5

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1 1 Section 1. NEW SECTION. 29D.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Disaster" means the same as defined in section 29C.2.
1 5 2. "Division" means the homeland security and emergency
1 6 management division created within the department of public
1 7 defense as provided in section 29C.5.
1 8 3. "Local emergency management agency" means the same as
1 9 defined in section 29C.2.
1 10 4. "Local support animal rescue plan" or "local plan"
1 11 means the plan required to be formulated by the division as
1 12 provided in section 29D.4.
1 13 5. "Public disorder" means the same as defined in section
1 14 29C.2.
1 15 6. "State agency" means the same as defined in section
1 16 8A.101.
1 17 7. "State support animal rescue plan" or "state plan"
1 18 means the plan required to be formulated by the division as
1 19 provided in section 29D.3.
1 20 8. "Support animal" means any of the following:
1 21 a. An assistive animal as defined in section 216C.11.
1 22 b. A pet as defined in section 717E.1.
1 23 c. A service dog as defined in section 216C.11.
1 24 d. A police service dog which is used by law enforcement
1 25 authorities in keeping order, providing for search and rescue,
1 26 or the prevention and detection of crime.
1 27 Sec. 2. NEW SECTION. 29D.2 PLANNING COOPERATION AND
1 28 CONSULTATION.
1 29 The division and local emergency planning agencies shall
1 30 cooperate to carry out their duties as provided in this
1 31 chapter. The division and local emergency planning agencies
1 32 shall consult with experts in the fields of animal sheltering,
1 33 veterinary medicine, public health and safety, and other
1 34 professional and technical personnel deemed appropriate.
1 35 Sec. 3. NEW SECTION. 29D.3 HOMELAND SECURITY AND
2 1 EMERGENCY MANAGEMENT DIVISION == STATE SUPPORT ANIMAL RESCUE
2 2 PLAN.
2 3 The division shall formulate a state support animal rescue
2 4 plan which includes emergency operation plans for the humane
2 5 evacuation, transport, and temporary sheltering of support
2 6 animals in times of public disorder or disaster. The state
2 7 plan shall do all of the following:
2 8 1. Require that persons with disabilities who utilize
2 9 assistive animals or service dogs are evacuated, transported,
2 10 and sheltered with those assistive animals or service dogs.
2 11 2. Identify or establish a sufficient number of support
2 12 animal evacuation shelters that are in close proximity to a
2 13 human sheltering facility designed and equipped to accept and
2 14 temporarily house pets or police service dogs. The division
2 15 shall develop guidelines for support animal evacuation
2 16 shelters which may include standards or criteria for admission
2 17 to such shelters, health and safety standards, protocols, and
2 18 procedures for ensuring adequate sheltering, management, and
2 19 veterinary staffing for support animal evacuation shelters.
2 20 3. Enable, wherever possible, joint pet-owner evacuation

2 21 for disabled, elderly, and persons having special needs, and
2 22 all other persons whenever such evacuations can be
2 23 accomplished without endangering human life.
2 24 4. Establish an identification system to ensure that pet
2 25 owners who are separated from their pets during an evacuation
2 26 are provided with all information necessary to locate and
2 27 reclaim their pets. In establishing the identification
2 28 system, the division shall provide for a tracking number
2 29 system.

2 30 5. Provide for the safe and secure confinement of pets in
2 31 cages or carriers that are specifically designed for the
2 32 containment and transport of pets, including by public
2 33 transportation during an impending disaster or public
2 34 disorder, when doing so does not endanger human life. If pets
2 35 are not allowed to use public transportation, the division
3 1 shall provide for separate transportation for a pet to a
3 2 support animal evacuation shelter in closest proximity to the
3 3 human sheltering facility in which the pet's owner or
3 4 custodian is temporarily housed when that location is known.
3 5 If the location of the owner or custodian is not known, the
3 6 division shall provide transportation to the nearest support
3 7 animal evacuation shelter.

3 8 6. Direct animal shelters, humane societies, veterinary
3 9 offices, boarding kennels, breeders, grooming facilities,
3 10 animal hospitals, schools, animal testing facilities, and any
3 11 other businesses or not-for-profit agencies that normally
3 12 house support animals to create evacuation plans for support
3 13 animals consistent with the provisions of this section. The
3 14 plans shall be made available to the public upon request and
3 15 shall be filed annually with the division and with the
3 16 appropriate local emergency management agency.

3 17 7. Provide for a public information program to provide
3 18 guidance to owners and custodians of support animals to
3 19 formulate evacuation plans for their support animals, inform
3 20 owners or custodians of resources available to assist them
3 21 during an evacuation, and apprise such owners or custodians of
3 22 the location and other relevant guidelines for support animal
3 23 evacuation shelters in their area.

3 24 Sec. 4. NEW SECTION. 29D.4 LOCAL EMERGENCY MANAGEMENT
3 25 AGENCY == LOCAL SUPPORT ANIMAL RESCUE PLAN.

3 26 A local emergency management agency shall formulate a local
3 27 support animal rescue plan which includes emergency operation
3 28 plans for the humane evacuation, transport, and temporary
3 29 sheltering of support animals in times of public disorder or
3 30 disaster in a manner that complements the state support animal
3 31 rescue plan, as required by the division.

3 32 Sec. 5. NEW SECTION. 29D.5 ASSIGNMENT OR DELEGATION.

3 33 1. The division may act directly or through an authorized
3 34 assignment to another state agency in order to carry out its
3 35 duties as provided in this chapter.

4 1 2. A local emergency management agency may delegate its
4 2 powers and duties provided in this chapter to another person
4 3 who shall act as a local authority responsible for carrying
4 4 out this chapter in the local area. The person delegated
4 5 authority under this section must have expertise in the areas
4 6 of animal control, animal sheltering, or animal care. The
4 7 local emergency management agency shall notify the division of
4 8 the delegation as required by the division.

4 9 Sec. 6. NEW SECTION. 29D.6 LIMITATION OF LIABILITY.

4 10 A person holding a legal interest in real estate including
4 11 fixtures, and who voluntarily and without compensation allows
4 12 the division or a local emergency management agency to use the
4 13 real estate for purposes of sheltering support animals during
4 14 an actual, impending, or practice public disorder or disaster,
4 15 shall not be liable for the death of, or injury to, any person
4 16 or support animal which occurs on the real estate unless the
4 17 death or injury is the proximate cause of an intentional act
4 18 or gross negligence of the person holding a legal interest in
4 19 the real estate.

4 20 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
4 21 3, shall not apply to this Act.

4 22 EXPLANATION

4 23 This bill relates to support animals which are animals
4 24 other than livestock (assistive animals, pets, service dogs,
4 25 police service dogs). The bill requires that the homeland
4 26 security and emergency management division within the
4 27 department of public defense and local emergency management
4 28 agencies cooperate in order to formulate state and local plans
4 29 for the humane evacuation, transport, and temporary sheltering
4 30 of support animals in times of public disorder or disaster.
4 31 The plan must provide for the rescue of support animals with

4 32 their owners or custodians when possible, sheltering support
4 33 animals, and reuniting support animals with their owners or
4 34 custodians. The plans must provide for the safe and secure
4 35 confinement of pets in cages or carriers that are specifically
5 1 designed for the containment and transport of pets, including
5 2 by public transportation during an impending disaster or
5 3 public disorder, when doing so does not endanger human life.
5 4 The planning must provide for the involvement of businesses
5 5 involved in keeping and caring for animals. The bill also
5 6 provides for the dissemination of information to the public
5 7 regarding available resources.

5 8 The bill provides that the division may act directly or
5 9 through an authorized assignment to another state agency. The
5 10 bill provides that a local emergency management agency may
5 11 delegate its powers and duties provided in this Code chapter
5 12 to another person who shall act as a local authority
5 13 responsible for carrying out its functions in the local area.

5 14 The bill also provides that a person who holds an interest
5 15 in real estate who voluntarily and without compensation allows
5 16 the division or local agency to use the real estate for
5 17 purposes of sheltering support animals during an actual,
5 18 impending, or practice public disorder or disaster is not
5 19 liable for accidents which occur on the real estate so long as
5 20 the accident was not the result of an intentional act or of
5 21 gross negligence.

5 22 The bill may include a state mandate as defined in Code
5 23 section 25B.3. The bill makes inapplicable Code section
5 24 25B.2, subsection 3, which would relieve a political
5 25 subdivision from complying with a state mandate if funding for
5 26 the cost of the state mandate is not provided or specified.
5 27 Therefore, political subdivisions are required to comply with
5 28 any state mandate included in the bill.

5 29 LSB 1560SS 82

5 30 da:rj/je/5.1